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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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November 5, 1993

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

RE: WKNB(FM), Port St. Joe, Florida  
Southern Broadcasting Companies, Inc.  
Channel 233  
Petition for Rule Making

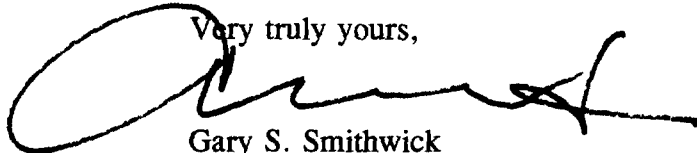
Dear Mr. Caton:

Transmitted herewith, on behalf of Southern Broadcasting Companies, Inc. ("SBC"), proposed assignee of the license of WKNB(FM), Port St. Joe, Florida, are an original and five copies of its "Corrected Petition for Rule Making."

On November 1, 1993, SBC filed a Petition for Rule Making seeking to change the city of license of WKNB from Port St. Joe to Parker, Florida. On November 4, 1993, counsel for WKNB informed undersigned counsel that the license of WJOE(AM), Port St. Joe, had been voluntarily surrendered on November 30, 1992. The Petition submitted herewith has been corrected to delete references to WJOE.

If there are any questions with respect to this matter, please communicate with the undersigned.

Very truly yours,



Gary S. Smithwick  
Counsel for  
**SOUTHERN BROADCASTING  
COMPANIES, INC.**

GSS/pn  
Enc.

cc: WKNB Public File  
Southern Broadcasting Companies, Inc.  
Dennis F. Begley, Esquire  
Ms. Nancy Walls, FCC (by hand)

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Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

NOV - 5 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of ) MM Docket No. \_\_\_\_\_  
 ) RM- \_\_\_\_\_  
Amendment of Section 73.202(b) )  
(Table of Allotments) )  
FM Broadcast Stations )  
 )  
Port St. Joe and Parker, Florida )

TO: Chief, Mass Media Bureau  
Policy and Rules Division  
Allocations Branch

**CORRECTED**  
**PETITION FOR RULE MAKING**

Southern Broadcasting Companies, Inc., ("SBC"), proposed assignee of the license of WKNB(FM), Port St. Joe, Florida,<sup>1</sup> by its attorneys, and pursuant to Section 1.420(i) of the Commission's Rules, hereby respectfully requests the Commission to amend Section 73.202(b) of the Rules to (a) delete Channel 233 from Port St. Joe, Florida; (b) add Channel 233 to Parker, Florida; and (c) modify the license for WKNB(FM), Port St. Joe, Florida, to specify "Parker, Florida" as the city of license. In support whereof, the following is shown:

1. WKNB operates on Channel 233 at Port St. Joe, Florida. SBC requests the Commission to delete Channel 233 from Port St. Joe and to reallocate it to Parker, Florida, with a concurrent modification of license of WKNB to operate on Channel 233 at Parker, Florida. This change is permissible under Section 1.420(i) of the

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<sup>1</sup> On October 29, 1993, SBC filed an application seeking assignment of license of WKNB from Asterisk Broadcasting, Inc. ("Asterisk"). The terms of the agreement between SBC and Asterisk permit SBC to file this Petition. (See Attachment A, Addendum to Contract for Sale of WKNB.)

Rules, which authorizes the Commission to modify the license or permit of an FM station to specify a new community of license where the amended allotment would be mutually exclusive with the licensee's present allotment.

2. Two factors must be demonstrated in order to change a station's city of license in a rule making proceeding: (1) the channel changes must be mutually exclusive, and (2) the rule making must not deprive a community of an existing service representing its only local transmission service. The Commission stated that in making the determination of whether to amend the Table of Assignments it would "take into account the totality of the service improvements resulting from a proposed change in community of license in determining whether an allotment proposal should be approved." See Modification of FM and TV Authorizations (New Community of License), 4 FCC Rcd 4870 [66 RR 2d 877] (1989). As is demonstrated herein, SBC's proposal is consistent with the Rule and Commission policies.

3. Attached hereto as Attachment B is a Technical Exhibit, which is incorporated herein by reference, which provides the Commission with information about the proposed Port St. Joe/Parker channel exchange.

#### Port St. Joe, Florida

4. As stated in the Technical Exhibit, Port St. Joe had a 1990 population of 4,044. Port St. Joe has two commercial broadcast stations, WMTO(FM), and WKNB.<sup>2</sup> WKNB would continue to provide regional service to Port St. Joe.

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<sup>2</sup> The license for WJOE(AM), Port St. Joe, Florida, was surrendered for cancellation November 30, 1992.

Parker, Florida

5. Parker is an incorporated city which had a 1990 population of 4,598. Parker employs a full-time city manager, police department, and public works department. Parker is the oldest city in Bay County. WKNB would bring first local service to Parker, since Parker currently does not have a local station.

Public Interest Considerations

6. In changing its city of license, WKNB will not be required to relocate its transmitter site. WKNB will continue to provide its current signal strength to the residents of Port St. Joe. Since Port St. Joe will continue to receive local service from WMTD, SBC's proposal will not deprive Port St. Joe of its only local transmission service.

7. As shown in the attached Technical Exhibit, Parker is entirely covered by a 70 dBu or better signal from WKNB(FM). Thus, modification of the license for WKNB would be consistent with the Commission's city-grade contour coverage requirements.

8. The proposals for Port St. Joe and Parker are mutually exclusive.

9. The Commission's priorities for assigning FM allotments are set out in Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 92 [51 RR 2d 807] (1982). They are: (1) first aural service, (2) second aural service, (3) first local service, and (4) other public interest matters. Co-equal weight is given to priorities (2) and (3). Here, first local service to Parker is preferred to second local service to Port St. Joe. Thus, there would be no adverse public interest impact resulting from

the allotment of Channel 233 to Parker.

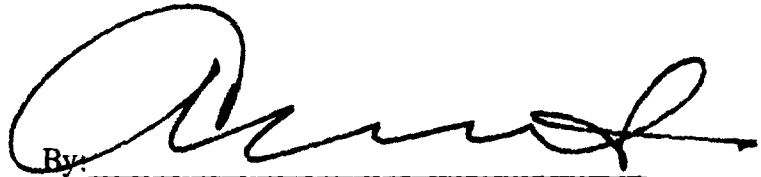
WHEREFORE, SBC respectfully requests the Commission to amend Section 73.202(b) of the Commission's Rules, as follows:

	<u>Florida</u>	
	<u>Present</u>	<u>Proposed</u>
Port St. Joe	228C2, 233C	228C2
Parker	----	233C

SBC also requests the Commission to modify the license of WKNB to operate on FM Channel 233 at Parker, Florida.

Respectfully submitted,

**SOUTHERN BROADCASTING  
COMPANIES, INC.**

By: 

Gary S. Smithwick  
Its Attorney

**SMITHWICK & BELENDIUK, P.C.**  
1990 M Street, N.W.  
Suite 510  
Washington, D.C. 20036  
(202) 785-2800

November 5, 1993

**ATTACHMENT A**

## **CONTRACT FOR SALE**

This Contract for Sale is entered into this 19<sup>th</sup> day of October, 1993 by Asterisk Broadcasting, Inc. ("Seller"), and Southern Broadcasting Companies, Inc., ("Buyer"). Seller and Buyer hereby agree to the sale and purchase of the assets and the assignment of the license ("License") for FM Broadcast Station WKNB, Port St. Joe, Florida ("Station") from Seller to Buyer upon the following terms and conditions.

1. **FCC Approval.** The consummation of this Contract shall not take place until after the Federal Communications Commission ("Commission") has issued a Public Notice giving consent to the assignment of the License from Seller to Buyer.

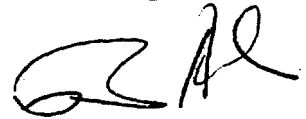
2. **Assets Included in the Sale.** The assets being sold, transferred, and assigned ("Assets") shall include:

(a) All of the tangible property ("Tangible Property") used or usable in the operation of Station WKNB, including but not limited to the property listed in the attached Exhibits A & B and not excluded in Paragraph 3, together with the replacements thereof or additions thereto made between the date of this Contract and the Closing Date, free and clear of all liens, claims, security interests and encumbrances of any kind whatsoever.

(b) All of the contracts ("Contracts"), including contracts for the sale of advertising on the Station in effect as of the Closing Date and leases ("Leases"), all as described in the attached Exhibit C. Buyer will assume all of the Contracts, including those for sale of time after the Closing Date and all such Contracts for which payment in cash has been received in whole or in part prior to the Closing Date and Seller shall reimburse Buyer at Closing on a pro rata basis for the unexpired time of such contracts. Buyer will further assume all agreements, executed or executory, relating to the exchange of time on the Station for goods,

19  
Addendum

Changes to Facilities. Seller agrees that, beginning on the date of signing of the Asset Purchase Agreement, Buyer may file at Buyer's expense with the Commission any applications, petitions, or other papers as deemed necessary by Buyer to change the facilities of the Stations. Seller will execute any consents necessary for such filings by Buyer.

A handwritten signature, possibly reading "RA", is written in the right margin of the document.



**ATTACHMENT B**

**TECHNICAL EXHIBIT**  
**SOUTHERN BROADCASTING COMPANIES, INC**  
**PETITION FOR RULEMAKING**  
**CHANGE CITY OF LICENSE**  
**WKNB - PORT ST. JOE, FL.**  
**TO PARKER, FL.**

This technical exhibit is offered in support of a petition for rulemaking to change city of license of radio station WKNB, now licensed to Port St. Joe, Florida, to Parker, Florida.

Offered as exhibit-2 is a map showing both the incorporated city limits of Parker, Florida and the 70 DB/u (3.16mV/m) contour of WKNB from it's present tower location. This exhibit clearly shows that Parker will be fully encompassed within the 70 DB/u contour, and in full compliance with CFR 73.315 of the Commissions rules. WKNB presently operates as a class C facility on channel 233. The antenna center of radiation is 281m above average terrain and 328m above mean sea level.

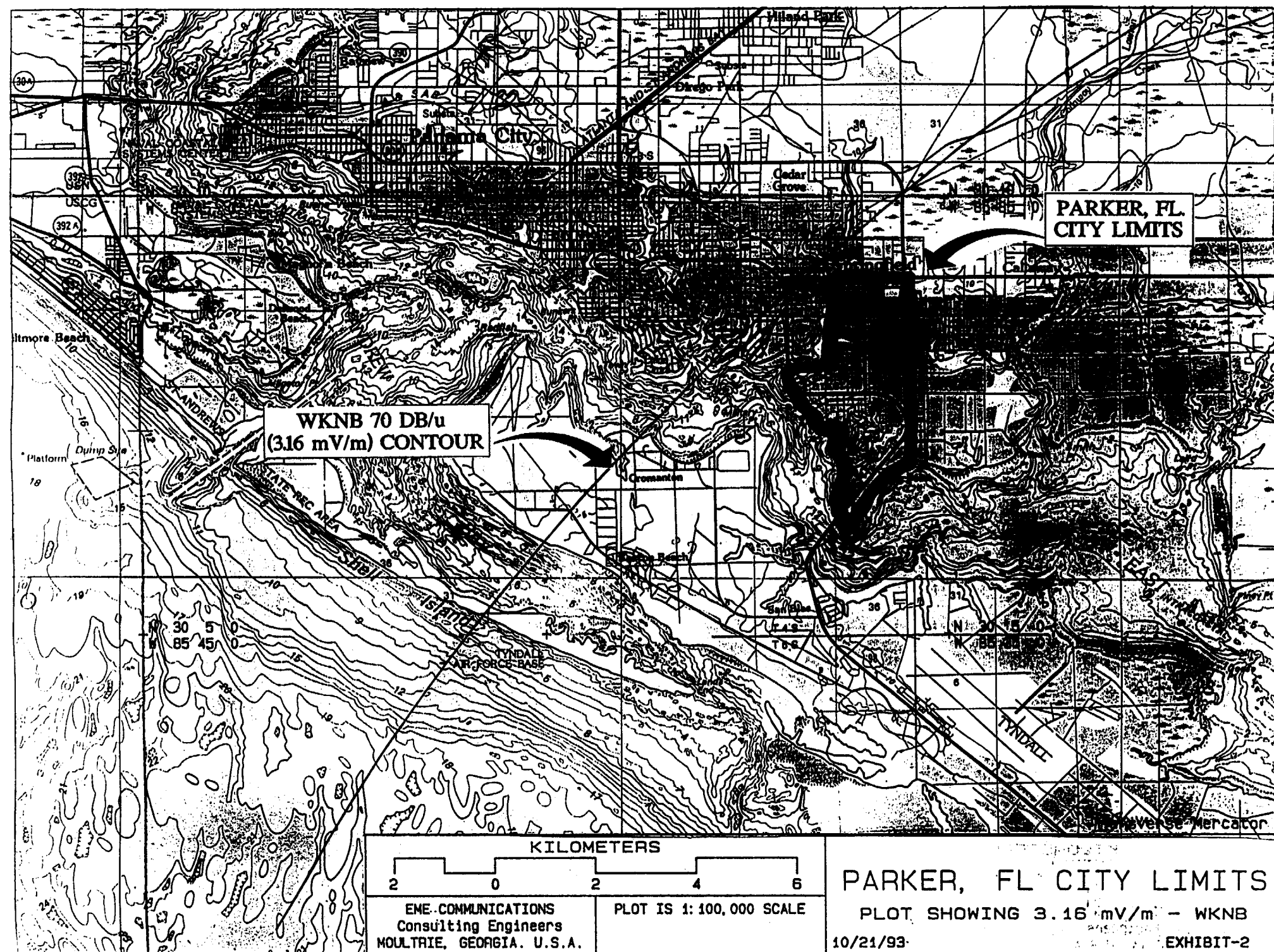
Parker, Florida is located in the southeast coastal area of Bay County and presently has a population of 4,598 residents according to the 1990 census and 4,600 as estimated by Parker Chamber Of Commerce. Parker is a fully incorporated city, employing a full time City Manager, Police Department, and Public Works Department. Parker is the oldest city in Bay County and one of the oldest cities in Florida. Parker is governed by a Mayor and five elected members of city council. According to the 1990 census data, Port St. Joe has a population of 4,044 and is declining.

Port St. Joe, Florida presently is served by two aural services including WKNB. Also licensed to Port ST. Joe is WMTO(FM), operating as a C2 facility with 14.5kw ERP and an antenna height of 204m amsl. Parker presently has no local service of any kind, therefore, the public interest would be better served by changing the city of license of WKNB to Parker, leaving Port ST. Joe with two aural services.

Respectfully submitted:



Clyde Scott, Jr.  
EME Communications



AFFIDAVIT AND QUALIFICATIONS OF PREPARER

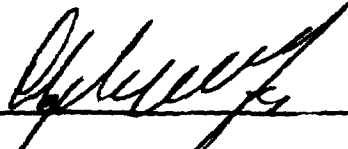
STATE OF GEORGIA )  
CITY OF MOULTRIE )  
COLQUITT COUNTY )

SS:



CLYDE SCOTT, JR. FIRST BEING DULY SWORN, DEPOSES AND SAYS HE IS A BROADCAST ENGINEER AND PRESIDENT OF EME COMMUNICATIONS. HE HAS BEEN ENGAGED TO PREPARE THE ATTACHED TECHNICAL EXHIBIT

THAT HIS QUALIFICATIONS ARE A MATTER OF RECORD BEFORE THE FEDERAL COMMUNICATIONS COMMISSION AND HAS BEEN ACTIVE IN THE BROADCAST INDUSTRY SINCE 1965 AND IN BROADCAST ENGINEERING SINCE 1972. THAT HE IS THE HOLDER OF GENERAL RADIOTELEPHONE LICNESE NO. PG-6-30133.

THAT THE ATTACHED TECHNICAL EXHIBIT WAS EITHER PREPARED BY HIM OR UNDER HIS DIRECT SUPERVISION. ALL MATERIAL AND EXHIBITS HERETO ARE BELIEVED TO BE TRUE AND CORRECT.

  
\_\_\_\_\_  
CLYDE SCOTT, JR.  
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS  
NOVEMBER 4TH, 1993

  
  
\_\_\_\_\_  
Notary Public, Colquitt County, Georgia  
My Commission Expires October 7, 1995